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IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

**YOST GALLAGHER CONSTRUCTION, a
Washington Limited Liability Company,**

No.

Plaintiff,
vs.

PENNSYLVANIA LUMBERMENS
MUTUAL INSURANCE COMPANY, a
Pennsylvania corporation

DEFENDANT'S NOTICE OF REMOVAL
OF ACTION UNDER 28 U.S.C. §§ 1441
AND 1446(b) BASED ON DIVERSITY OF
CITIZENSHIP UNDER 28 U.S.C. § 1332

PENNSYLVANIA LUMBERMENS
MUTUAL INSURANCE COMPANY, a
Pennsylvania corporation,

Defendant.

TO: THE CLERK OF THE COURT

AND TO: ALL PARTIES OF RECORD AND THEIR COUNSEL

Please take notice that Defendant Pennsylvania Lumbermens Mutual Insurance Company (“PLMIC”) hereby gives notice of the removal of the above captioned action, Cause No. 25-2-02384-32, currently pending in the Superior Court of Spokane County, Washington, to the United States District Court for the Eastern District of Washington at Spokane on the grounds set forth below.

I. STATE COURT ACTION

DEFENDANT'S NOTICE OF REMOVAL OF ACTION UNDER
28 U.S.C. §§ 1441 AND 1446(b) BASED ON DIVERSITY OF
CITIZENSHIP UNDER 28 U.S.C. § 1332 - 1

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1 The Amended Complaint in the State Court action to be removed, *Yost Gallagher Construction*
 2 *v. Pennsylvania Lumbermens Mutual Insurance Company*, was filed in Spokane County Superior
 3 Court, State of Washington, on June 20, 2025, and served on Defendant PLMIC that same day. A
 4 true and correct copy of that Amended Complaint is attached as **Exhibit A**. This is a civil action
 5 arising out of the claims made by Plaintiff for breach of contract, bad faith, and violations of the
 6 Washington Consumer Protection Act (“CPA”).

7 **II. TIME FOR REMOVAL**

8 This Notice of Removal is timely under 28 U.S.C. § 1446(b)(1) because the Amended
 9 Complaint states a removable case. Here, Defendant PLMIC received a copy of the Amended
 10 Complaint on June 20, 2025, and this Notice of Removal is being filed within thirty days after
 11 service of the Amended Complaint on Defendant PLMIC.

12 **III. GROUNDS FOR REMOVAL**

13 Removal is permitted under 28 USC §1332(a) and 1446(b)(1). Defendant PLMIC is and
 14 was at all relevant times a Pennsylvania corporation. Defendant PLMIC’s principal place of
 15 business is and was at all relevant times Pennsylvania. According to the Amended Complaint, and
 16 upon information and belief, Plaintiff is and was at all relevant times a citizen and resident of the
 17 State of Washington.

18 Defendant PLMIC has filed the instant Notice of Removal within thirty (30) days of receipt
 19 of the Amended Complaint which rendered this case removable. Further, Defendant PLMIC has a
 20 good faith belief that the amount in controversy exceeds \$75,000 because in the Amended
 21 Complaint Plaintiff states that its alleged damages are “not less than \$75,000.” Given Plaintiff’s
 22 allegations, Defendant PLMIC has a good faith belief that the amount in controversy exceeds
 23 \$75,000.

1 Pursuant to 28 U.S.C. §1441(a) removal is proper to the United States District Court for
 2 the Eastern District of Washington and Spokane because this district and division covers where
 3 the State Action is currently pending in the Spokane County Superior Court, State of Washington.

4 **IV. REQUIRED DOCUMENTS**

5 Notice of this removal will be filed with the Clerk of the Superior Court of Spokane
 6 County, Washington, Cause No. 25-2-02384-32 and will be given to all other parties in accordance
 7 with 28 U.S.C §1446(d). A copy of that Notice is attached as **Exhibit B**.

8 WHEREFORE, Defendant PLMIC gives notice that the court action pending against it in
 9 Spokane County Superior Court has been removed from that court to the United States District
 10 Court for the Eastern District of Washington at Spokane.

11 DATED July 17, 2025.

LEWIS BRISBOIS BISGAARD & SMITH llp

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DECLARATION OF SERVICE

I hereby declare under penalty of perjury under the laws of the State of Washington that I caused a true and correct copy of the foregoing to be served via the methods below on the date set forth below on the following counsel/party of record:

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Attorneys for Plaintiff

Dated this 17th day of June, 2025 at Seattle, Washington.

s/Grace Kositzky

Grace Kositzky, Legal Secretary
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